APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,059	01/15/2002	David LeRoy Newbold	23452-509	3644

29315 7590 11/02/2004	EXAMINER	
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC	LUDWIG, MATTHEW J	

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ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/045,059	NEWBOLD, DAVID LEROY
	Examiner	Art Unit
	Matthew J. Ludwig	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 January 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-38</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>2004</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: application filed 01/15/02.

2.   Claims 1-38 are pending in the case. Claims 1, 11, 21, and 31, are independent claims.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 1, 6-11, 16-21, 26-38, are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Hubert, EP 1087306 A2, filed 8/29/2000.

In reference to independent claim 1, Hubert teaches:

The Knowledge Pump tool allows users to make recommendations on documents in the

form of a rating (e.g. 1 to 5 stars) plus a comment section (text field) explaining why a document

is interesting or not (compare to *"generating an affinity between a topic and the user, wherein*

the affinity has an affinity strength"). See page 5, lines 4-15. The claim language fails to clearly

define how the affinity is generated and what the affinity describes. Furthermore, the terms, as

presently claimed, do not preclude the Examiner from utilizing a rating as an affinity related to a

document (topic) and a user.

Using XML/RDF, the following fragment illustrates how such information could be

encoded, assuming "Peter" wants to give a recommendation about a technical article (compare to

"requesting approval from the user to publish the generated affinity"). See page 5, lines 30-35.

The reference suggests a similar approval of a user to offering the recommendation about a technical paper.

A tool at the source includes a tool that extracts and uses this knowledge (compare to "*determining whether the user consents to the publication of the affinity*"). See page 5, lines 45-50.

An advantage of storing comments with the document in question is that specific recommendation databases are no longer needed; all recommendations are stored with the document in question. When a user receives a particular document, all relevant comments are stored with it, ready for the user to read at his/her leisure (compare to "*publishing the affinity to a content catalog if it is determined that the user consents to the publication of the affinity*"). See page 5, lines 47-55. The reference discloses the storage of recommendations *affinities variables* and the retrieval of those comments, by a user, at his/her leisure. Hubert does not explicitly disclose the publication of documents; however, the retrieval of documents in a client/server environment provides a reasonable suggestion of a publication and allows for similar advantages based on the user's approval and submission of various recommendations. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the recommendation submission and client/server techniques as taught by Hubert to provided a method of publication through experts/communities, which would provide a distinct advantage utilizing meta documents within a client/server environment.

In reference to dependent claim 6, Hubert teaches:

All recommendations are stored with the document in question. When a user receives a particular document, all relevant comments are stored with it, ready for the user to read at his/her leisure. See page 5, lines 45-56.

In reference to dependent claim 7, Hubert teaches:

The comments are XML related meta-documents and could be delivered through an email service. See page 6, lines 1-10.

In reference to dependent claim 8 and 9, Hubert teaches:

The Knowledge Pump tool allows users to make recommendations on documents in the form of a rating (e.g. 1 to 5 stars) plus a comment section (text field) explaining why a document is interesting or not (compare to "*generating an affinity between a topic and the user, wherein the affinity has an affinity strength*"). See page 5, lines 4-15. The claim language fails to clearly define how the affinity is generated and what the affinity describes. Furthermore, the terms, as presently claimed, do not preclude the Examiner from utilizing a rating as an affinity related to a document (topic) and a user.

An advantage of storing comments with the document in question is that specific recommendation databases are no longer needed; all recommendations are stored with the document in question. When a user receives a particular document, all relevant comments are stored with it, ready for the user to read at his/her leisure. See page 5, lines 47-55.

In reference to dependent claim 10, Hubert teaches:

The Knowledge Pump tool allows users to make recommendations on documents in the form of a rating (e.g. 1 to 5 stars) plus a comment section (text field) explaining why a document

is interesting or not (compare to *"generating an affinity between a topic and the user, wherein the affinity has an affinity strength"*). See page 5, lines 4-15.

In reference to claims 11, 16, and 17-20, the limitations of the claims reflect the system comprising instructions used for performing the methods as claimed in 1, 6, 7-10, respectively, and in further view of the following, are rejected along the same rationale.

In reference to claims 21, 26, and 27-30, the limitations of the claims reflect the system comprising computer readable instructions used for performing the methods as claimed in 1, 6, 7-10, respectively, and in further view of the following, are rejected along the same rationale.

In reference to claims 31-38, the limitations of the claims reflect the system for carrying out similar methods to those previous claimed in 1, 6, 7-10, and therefore are rejected along the same rationale.

5.   **Claims 2, 3, 12, and 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubert as applied to independent claim 1 above, and further in view of Minter USPN 6,560,588 filed (10/30/97).**

In reference to dependent claim 2, Hubert teaches:

The use of meta-documents is a simple way to provide recommendations (and identified experts and communities) beyond the scope of one organization. See page 5, lines 10-15. However, the reference does not explicitly discloses the utilization of threshold values associated with a user; however, Minter teaches the calculation of scores, which are used to allocate friends for each user. For example, one user is considered, and for each pair of which he is a member, the other member will be his friend, if the score for that pair is above a threshold value. The

reference demonstrates the associations between a score and a user. If the score reaches a threshold, the user inherits a friend through the service. The score provides a proficient method for using a score as a variable and determining whether the score reaches a specific threshold value (compare to "determine whether a first affinity variable for the user for a given topic has reached a threshold; and associating the user with the given topic for the first affinity variable which reaches the threshold"). See column 6, lines 22-39.

It would have been obvious to one of ordinary skill in the art, having the teachings of Hubert and Minter before him at the time the invention was made, to modify the meta document methods taught by Hubert to include the threshold methods of Minter, because they would have provided a user the benefit of having a ranking method to further identify experts in a web environment.

In reference to dependent claim 3, Hurbert teaches:

The use of meta-documents is a simple way to provide recommendations (and identified experts and communities) beyond the scope of one organization. See page 5, lines 10-15. However, the reference does not explicitly discloses the utilization of threshold values associated with a user; however, Minter teaches the calculation of scores, which are used to allocate friends for each user. For example, one user is considered, and for each pair of which he is a member, the other member will be his friend, if the score for that pair is above a threshold value. The reference demonstrates the associations between a score and a user. If the score reaches a threshold, the user inherits a friend through the service. The score provides a proficient method for using a score as a variable and determining whether the score reaches a specific threshold value (compare to "*determine whether a first affinity variable for the user for a given topic has*

reached a threshold; and associating the user with the given topic for the first affinity variable

which reaches the threshold"). See column 6, lines 22-39.

It would have been obvious to one of ordinary skill in the art, having the teachings of

Hubert and Minter before him at the time the invention was made, to modify the meta document

methods taught by Hubert to include the threshold methods of Minter, because they would have

provided a user the benefit of having a ranking method to further identify experts in a web

environment.

In reference to claims 12 and 13, the limitations of the claims reflect the system comprising

instructions used for performing the methods as claimed in 2 & 3, respectively, and in further

view of the following, are rejected along the same rationale.

In reference to claims 22 and 23, the limitations of the claims reflect the system comprising

computer readable instructions used for performing the methods as claimed in 2 &3,

respectively, and in further view of the following, are rejected along the same rationale.

6.   **Claims 4, 5, 14, 15, 24, and 25, are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Hubert in view of Minter and further in view of Tedesco et al., USPN

6,349,295 filed(12/31/1998)

In reference to dependent claim 4 and 5, Hubert teaches:

The use of meta-documents is a simple way to provide recommendations (and identified

experts and communities) beyond the scope of one organization. See page 5, lines 10-15.

However, the reference does not explicitly disclose the utilization of a predefined threshold.

Tedesco provides elements within a document exceeding a predefined and dynamically

established threshold. As presently claimed, and with no further description of the threshold, it is unclear to the Examiner what type of threshold is utilized within the affinity information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was to modify the knowledge tool of Hubert and utilize the threshold values taught by Tedesco, because it would have given the author the added benefit of preventing unnecessary comments within the knowledge tool.

In reference to claims 14 and 15, the limitations of the claims reflect the system comprising instructions used for performing the methods as claimed in 4 &5, respectively, and in further view of the following, are rejected along the same rationale.

In reference to claims 24 and 25, the limitations of the claims reflect the system comprising computer readable instructions used for performing the methods as claimed in 4 &5, respectively, and in further view of the following, are rejected along the same rationale.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cohen et al.,   USPN 6,356,898   filed (11/13/98)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 703-305-8043. The examiner can normally be reached on 8:00am-5:00pm.
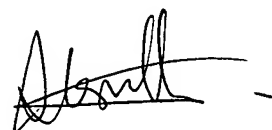
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 703-308-5465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
October 22, 2004

STEPHEN S. HONG
PRIMARY EXAMINER